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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,678	04/05/2001	Grant C. Paton	8580.00	3514

26889 7590 01/26/2006

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EXAMINER

KESACK, DANIEL

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/826,678	PATON, GRANT C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dan Kesack	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/26/2001</u> . | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This application has been reviewed. Original claims 1-20 are pending. The rejections are as stated below.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-4, 7-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al. U.S. Patent No. 6,526,335 in view of Swaine, European Patent Application Publication 0 661 676 A1.

Claim 1, 3, 8-20, Treyz discloses an automobile personal computer system having wireless communications capabilities, and storage mediums (Fig. 3), mounted in the dash of an automobile, with a front panel that has buttons and a display (column 1 lines 31-35), using the wireless communications capabilities to conduct financial transactions through data being transmitted between the computer system and an outside system, options for said transactions being communicated through the display, storing information related to said financial transactions locally in the automobile, optionally on a smart card located within the automobile (column 45 lines 22-37), said financial transactions including transactions involving an automatic teller machine (ATM) (column 47 line 6).

Claim 7, Treyz discloses a local wireless link may be used to download software or audio content related to said financial transactions (column 47 lines 17-20). This feature is equated to the step of transferring instructions from the terminal to the in-car processor unit and executing the instructions, as claimed by the Applicant.

Claims 1, 2, and 4, Treyz fails to teach the step of locating the vehicle adjacent to the terminal, identifying the user, retrieving cash from the terminal.

Swaine discloses an automated teller machine for conducting financial transactions remotely on a device that may be located within the automobile positioned adjacent to the machine, having a user interface displaying data relating to said transactions, having a keypad for the user inputting information related to said

transactions (column 1 lines 3-5, column 2 lines 4-6, 8-10), having a slot through which cash is dispensed to the user in the case of a withdrawal transaction (column 2 lines 50-54), and initiating a transaction by user inserting an identifying card into the machine and inputting a personal identification number (column 4 lines 18-22, 31-32). In light of the discussion of Swaine, above, it would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to incorporate the steps of locating the vehicle adjacent to the machine, identifying the user, and retrieving cash, into the teachings of Treyz. Further, the ATM disclosed in Swaine necessarily requires the vehicle be located adjacent to the ATM terminal, as the device used within the vehicle is connected by a cable (Fig 3).

5. Claims 5 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz as applied to claim 1 above, and further in view of Ramachandran, U.S. Patent No. 6,315,195.

Treyz fails to teach uploading valuable electronic media to a memory storage device located within the vehicle from the terminal, and downloading valuable media from the electronic storage device to the terminal.

Ramachandran discloses an automated banking apparatus and system, using a stored value card in connection with a stationary terminal such as an automated banking machine, which modifies the value stored on the memory card to reflect the addition or subtraction of value represented by the transactions conducted by the user on said banking machine (column 2 lines 40-47). It would be obvious to one of ordinary

skill in the art at the time of the Applicant's invention modify the ATM of Treyz, including a storage device within the automobile or a smart card within the automobile, to incorporate the method of transferring funds between a storage device and the banking terminal as taught by Ramachandran because doing so would allow the user to take advantage of the cashless digital wallet feature of a stored value card, a common and well known use of such a storage medium.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HANI M. KAZIMI  
PRIMARY EXAMINER